City of Lafayette Staff Report

For:	City Council
By:	Greg Wolff, Senior Planner
Date Written:	December 1, 2008
Meeting Date:	December 8, 2008
Project:	Acceptance of the offer of dedication of an open space easement in conjunction with: **LLR01-08 LINDA INGHAM / JAMES R. BRIDGES 2001 FAMILY TRUST (APPLICANT & OWNER), LR-5 & LR-10 ZONING**: Request for approval of a lot line adjustment pursuant to Chapter 6-24 of the Lafayette Municipal Code to reconfigure the property lines between three lots (two are developed, one is undeveloped) within the Hillside Overlay District located at 3960 & 3972 Happy Valley Road. APNs 246-040-002, 246-040-003 & 365-230-035.

PURPOSE

Pursuant to §51080 et. seq. of the Government Code, the City Council must find, by resolution, those findings listed in §51084 in order to accept the open space easement. Please see the attached draft City Council Resolution 2008-053 reciting the history of the project and containing responses to the required findings.

BACKGROUND

The Planning Commission approved the lot line revision described above on April 17, 2008 (PC Resolution 2008-13 attached). At that time the property owner offered and agreed to dedicate an open space easement to cover all of Parcel 2 as it was configured prior the lot line revision. The property owner has submitted the deed, legal descriptions and plat maps necessary to record the easement. On November 20, 2008 the Planning Commission considered the matter of the offer of dedication of the open space easement. The Commission adopted PC Resolution 2008-25 finding that the proposed easement is consistent with the General Plan and recommending to the City Council acceptance of the easement.

CHANGES REQUESTED BY THE PLANNING COMMISSION AND STAFF

The deed conveying the easement reflects three changes, which have been reviewed and agreed to by the property owner:

(1) the title of the document has been changed to Open Space Easement Deed (requested by staff; formerly "Conservation and Scenic Easement Deed");
(2) on page 1, at section 4, "for the public enjoyment" has been deleted (requested by the Planning Commission); and

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(3) on page 2, subsection (f) was added to read, "Remove any native trees, plant non-native vegetation or significantly alter the prevailing vegetation within the scenic easement as described in Exhibit 'B' and shown on Exhibit 'C'. This excludes routine pruning and maintenance, the removal of dead trees and the clearing of brush." (requested by the Planning Commission).

STAFF COMMENT

The City Attorney has reviewed the attached documents and they meet with her satisfaction. The terms "conservation and scenic easement" and "open space easement" can be used interchangeably for the purposes of the discussion and recorded easement.

RECOMMENDATION

(1) Adopt City Council Resolution 2008-053 accepting the open space easement.

ATTACHMENTS

1. City Council Resolution 2008-053 (accepting the open space easement)
2. Open Space Easement Deed
3. Staff report for the November 20, 2008 Planning Commission Meeting
4. Planning Commission Resolution 2008-25 (recommending acceptance of the easement)
5. Planning Commission Resolution 2008-13 (approving the lot line revision)

BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE
IN THE MATTER OF:

ACCEPTANCE OF AN OPEN SPACE EASEMENT OFFERED BY THE ROBERT L. BRIDGES 2001 FAMILY TRUST, LOCATED AT 3972 HAPPY VALLEY ROAD. APNS 246-040-003 & 365-230-035.

Resolution No. 2008-053

A. **WHEREAS** on January 23, 2008, James Parsons, PA Design Resources, filed an application for variance and lot line adjustment on behalf of property owners Linda Ingham & the JAMES R. BRIDGES 2001 FAMILY TRUST, to reconfigure the lot lines between three parcels located at 3960 & 3972 Happy Valley Road, Assessors Parcel Numbers 246-040-002, 246-040-003 & 365-230-035. The subject properties are within the LR-5 & LR-10 zoning districts.

B. **WHEREAS** on February 22, 2008 the application was deemed complete and scheduled for a public hearing before the Planning Commission on April 3, 2008. The April 3, 2008 Planning Commission meeting was cancelled and the matter was placed on the next Planning Commission agenda on April 17, 2008.

C. **WHEREAS** on April 17, 2008, the Planning Commission, following notification to the public in the prescribed manner, conducted a public hearing, where it received written and oral testimony including a staff report. The Planning Commission considered the applications for variance and lot line revision and the applicant's offer and agreement to dedicate an open space easement over the entirety of Parcel 2 as configured before the lot line adjustment. The Planning Commission approved the applications based on the required findings and subject to conditions of approval contained in Planning Commission Resolution 2008-13.

D. **WHEREAS** on November 20, 2008 the Planning Commission considered the matter of the open space easement, reviewing the requisite documents prepared and submitted by the applicant pursuant to §51080 et. seq. Gov't Code and adopted PC Resolution 2008-35 finding the open space easement is consistent with the General Plan and recommending to the City Council acceptance of the open space easement.

E. **WHEREAS** on December 8, 2008 the City Council reviewed the matter of the open space easement pursuant to §51080 et. seq. Gov't Code and considered PC Resolution 2008-35 finding the open space easement is consistent with the General Plan and recommending to the City Council acceptance of the open space easement.

NOW, THEREFORE, the City Council of the City of Lafayette, California finds and determines as follows:

1. The required findings pursuant to §51084 Gov't Code have been evaluated by the City Council as follows:

   (a) That the preservation of the land as open space is consistent with the general plan of the county or city; and
   The preservation of Parcel 2 as open space is consistent with the General Plan, specifically those guiding principles, goals and policies outlined under the section titled "General Plan Consistency" below.

(b) That the preservation of the land as open space is in the best interest of the county or city and specifically because one or more of the following reasons exists:

(1) That the land is essentially unimproved and if retained in its natural state has either scenic value to the public, or is valuable as a watershed or as a wildlife preserve, and the instrument contains appropriate covenants to that end.
The preservation of Parcel 2 as open space is in the best interest of Lafayette, because it is adjacent to Briones Regional Park, is essentially undeveloped and has scenic and wildlife habitat value to the public. The approved lot line revision and movement of the building site from the steep slopes on the site to a flat area near Happy Valley Road allow for preservation of the site in its natural state, adding to the benefit provided by the adjacent Park District properties.

(2) It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located.
The proposed open space easement will help preserve the semi-rural character of Happy Valley, permitting development on the low lying, flatter valley floor and preserving the hillsides and ridgelines in their natural state, to the greatest extent feasible. Parcel 2 is particularly well situated for preservation to further the benefits provided by Briones Regional Park to the north.

(3) The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of this subdivision and Section 8 of Article XIII of the Constitution of the State of California.

GENERAL PLAN CONSISTENCY

The proposed open space easement is consistent with the following guiding principles, goals and policies contained in the City of Lafayette General Plan, and does not conflict with other goals and policies stated in the Plan.

Guiding Principles of the Lafayette General Plan

- ✓ *Preserve and enhance the character of Lafayette as a semi-rural community.*
- ▪ *Create and maintain a strong sense of community in Lafayette.*
- ✓ *Protect the natural and scenic quality of our surrounding hillsides and ridgelines, creek areas, trees and other vegetation.*
- ▪ *Encourage the involvement of citizen volunteers in land use and policy planning.*

Goal OS-1: Preserve areas of visual prominence and special ecological significance as Open Space.

Policy OS-1.3 Conserve a Variety of Open Space Features: Protect areas of special ecological significance, including ridges, hillsides, woodlands, wildlife corridors, riparian areas, steep slopes, prominent knolls, swales, and rock outcroppings.

Policy OS-1.5 Open Space for Wildlife Habitat: Preserve, protect, and where necessary, restore open space for wildlife habitat to assure the continued viability and health of diverse, natural animal and plant communities.

Policy OS-1.6 Continuous Open Spaces: Assemble open space areas from contiguous parcels to provide continuous scenic and wildlife corridors wherever feasible.

Goal OS-3 Maintain the semi-rural character and beauty of the city by preserving its open and uncluttered natural topographic features.

Policy OS-3.1 Protect natural features of the lands: The character and natural features of hills, steep slopes, riparian areas, woodlands

Policy OS-4.3 Woodlands: Preserve existing woodlands and their associated vegetation.

2. Based on the above findings, the City Council hereby accepts the offer of dedication of the open space easement described in "Exhibit A: Open Space Easement Deed" attached hereto.

3. This resolution becomes effective upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Lafayette at a regular meeting of said Council on December 8, 2008, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Joanne Robbins, City Clerk

APPROVED:

Mike Anderson, Mayor

ATTACHED
Exhibit A: Open Space Easement Deed

Policy OS-4.3 Woodlands: Preserve existing woodlands and their associated vegetation.

II. Based on the above findings, the Planning Commission hereby recommends to the City Council acceptance of the offer of dedication for scenic easement.

III. This resolution becomes effective upon its adoption.

PASSED AND ADOPTED by the Planning Commission of the City of Lafayette at a meeting held on November 20, 2008 by the following vote:

AYES: Ateljevich, Chastain, Curtin-Tinley, Humann, Lovitt, Mitchell

NOES: None

ABSENT: Holt

ABSTAIN: None

ATTEST:

Niroop K. Srivatsa
Planning & Building Manager

Mark Mitchell
Planning Commission Chair

ATTACHMENTS
Conservation and Scenic Easement Deed

After Recordation, Return to:
Steven Falk, City Manager
3675 Mt. Diablo Blvd., Suite 210
Lafayette, CA 94549

Open Space Easement Deed

THIS INDENTURE, made this ____ day of _____, 2008 between James R. Bridges, Successor Co-Trustee of the Robert L. Bridges 2001 Family Trust dated November 26, 2001, hereinafter referred to as "Grantor" and the City of Lafayette, (a Municipal Corporation) of the State of California, hereinafter referred to as "Grantee":

Recitals

1. The Grantors are the owners in fee of certain real property situated in the City of Lafayette, State of California, more particularly described in Exhibit 'A' and referred to as "the subject property";

2. The real property of the Grantors has certain natural and scenic beauty and existing openness;

3. The preservation of the land as open space is in the best interest of the City of Lafayette;

4. Both the Grantors and the Grantee desire to preserve and conserve the great natural scenic beauty and openness, natural condition and present state of use of the subject property of the Grantors; and

5. The Grantors, subject to the reservations hereinafter set forth, wish to grant to the City of Lafayette the scenic use of the subject property, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the property by the Grantors;

NOW, THEREFORE, for and in consideration of the premises, the Grantors grant and convey to the City of Lafayette, an open space easement of the nature and character and the extent hereinafter expressed, in that property described in Exhibit 'B' and shown on Exhibit 'C', attached hereto and made a part hereof by this reference. The easement, which results from the

restrictions imposed by this indenture upon the use of the property by Grantor shall constitute a servitude and to that end and for the purpose of accomplishing the intent of the parties, the Grantor does covenant on behalf of itself, its heirs, successors and assigns with the said Grantee, its successors and assigns to do and refrain from doing severally and collectively upon the subject property of the Grantor various acts hereafter mentioned. It is the intent of the parties that the restrictions imposed upon the subject property by this easement be deemed an enforceable restriction within the meaning of Article XXVIII of the Constitution of the State of California, as provided for in Chapter 6.6 of Part 1 of Division 1 of Title 5 of the Government Code of California, commencing with Section 51080.

FIRST: The Grantor, its successors and assigns shall refrain from doing any of the following acts upon the subject property:

a. Construct, place or maintain a building or structure on that property described in Exhibit 'B' and shown on Exhibit 'C'.

b. Do or cause to be done, any act which will materially change the general topography or the present form of that property described in Exhibit 'B' and shown on Exhibit 'C'.

c. Construct, place or maintain overhead pipes, conduits, or wires for the purpose of transmitting messages, heat, light or power on that property described in Exhibit 'B' and shown on Exhibit 'C'.

d. Locate any advertising of any kind or nature on or within that property described in Exhibit 'B' and shown on Exhibit 'C'.

e. Construct, place, or maintain dumps for the disposal of ashes, trash, rubbish, sawdust, garbage, offal or any unsightly and offensive materials on that property described in Exhibit 'B' and shown on Exhibit 'C'.

f. Remove any native trees, plant non-native vegetation or significantly alter the prevailing vegetation on that property described in Exhibit 'B' and shown on Exhibit 'C'. This excludes routine pruning and maintenance, the removal of dead trees and the clearing of brush.

SECOND: If an action in eminent domain for condemnation of any interest in the subject property is filed, or when it is acquired in lieu of eminent domain for a public improvement by a

public agency or person, these restrictions are null and void as to such interest in land actually being condemned is acquired.

THIRD: The grant of this easement is effective as of the date of its acceptance by the Grantee. It is effective in perpetuity.

FOURTH: The power of any federal, state or local agency or entity to acquire the subject property or portion thereof by eminent domain is not limited by this instrument. This instrument does not prohibit the installation of public service facilities installed for the benefit of the land and authorized by the Contra Costa County Supervisors or the Public Utilities Commission pursuant to federal, state, or local law or ordinance.

FIFTH: The open space easement described herein may be abandoned in the manner provided in Sections 51093 and 51094 of the Government Code of the State of California.

SIXTH: This grant shall bind successors and assigns of the Grantor and shall constitute a servitude upon said subject property; and the reservations shall inure to the benefit of Grantor, its successors and assigns to the extent herein provided.

IN WITNESS WHEREOF, the Grantor has executed the Deed this day and year first hereinabove written.

_____

James R. Bridges, Successor
Co-Trustee of the
Robert L. Bridges 2001 Family Trust
dated November 26, 2001

STATE OF CALIFORNIA)
) ss.
COUNTY OF CONTRA COSTA)

On _____, 2008 before me, _____, Notary Public, personally appeared _____, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____

Notary Public

Certificate of Acceptance

City of Lafayette

This is to certify that the interest in real property conveyed by the deed or grant dated _____, 2008, from James R. Bridges, Successor Co-Trustee of the Robert L. Bridges 2001 Family Trust dated November 26, 2001, to the City of Lafayette, California, a municipal corporation, is hereby accepted by order of the City Council on _____, 2008, and the grantee consents to the recordation thereof by its duly authorized officer.

Date:_____, 2008

City of Lafayette
By: _____
Steven Falk
City Manager

LEGAL DESCRIPTION

EXHIBIT 'A'

NEW PARCEL 1

THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF LAFAYETTE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE 32.847± AC. PARCEL OF LAND AS DELINEATED ON THE RECORD OF SURVEY, FILED AUGUST 25, 1982, IN BOOK 71 OF LICENSED SURVEYORS MAPS, AT PAGE 7, SERIES NO. 82-95690, SAID COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID 32.847± AC. PARCEL (71 L.S.M. 7), DISTANT THEREON SOUTH 89°07'07" EAST, 330.28 FEET FROM THE NORTHWESTERLY CORNER THEREOF; THENCE, LEAVING SAID POINT OF BEGINNING, ALONG THE NORTHERLY AND EASTERLY LINES OF SAID 32.847± AC. PARCEL (71 L.S.M. 7), THE FOLLOWING COURSES; SOUTH 89°07'07" EAST, 1153.40 FEET; SOUTH 05°04'17" EAST, 323.08 FEET AND SOUTH 50°16'53" WEST, 375.79 FEET TO THE NORTHERLY LINE OF THE 5.185 ± AC. PARCEL AS DELINEATED ON SAID RECORD OF SURVEY (71 L.S.M. 7); THENCE, ALONG SAID NORTHERLY LINE (71 L.S.M. 7), NORTH 89°07'07" WEST, 738.69 FEET; THENCE, CONTINUING ALONG THE EXTENSION OF SAID NORTHERLY LINE (71 L.S.M. 7), NORTH 89°07'07" WEST, 78.35 FEET; THENCE, ALONG THE FOLLOWING COURSES; SOUTH 00°49'36" WEST, 324.12 FEET; SOUTH 58°39'11" EAST, 90.54 FEET TO A POINT ON THE WESTERLY LINE OF SAID 5.185 ± AC. PARCEL (71 L.S.M. 7); THENCE ALONG SAID WESTERLY LINE (71 L.S.M. 7) SOUTH 00°52'53" WEST, 26.97 FEET TO THE SOUTHWEST CORNER OF SAID 5.185 ± AC. PARCEL (71 L.S.M. 7); THENCE, ALONG THE SOUTHERLY LINE OF SAID 5.185 ± AC. PARCEL (71 L.S.M. 7) SOUTH 89°07'07" EAST, 45.85 FEET; THENCE LEAVING SAID SOUTHERLY LINE (71 L.S.M. 7), THE FOLLOWING COURSES; SOUTH 58°39'11" EAST, 49.06 FEET; SOUTH 04°44'00" WEST, 412.92 FEET; NORTH 89°10'24" WEST, 270.75 FEET; NORTH 00°49'36" EAST, 364.22 FEET; NORTH 19°21'11" EAST, 153.60 FEET AND NORTH 00°49'36" EAST, 890.10 FEET TO SAID POINT OF BEGINNING.

SAID PARCEL CONTAINS 18.20 ACRES, MORE OR LESS.

NEW PARCEL 2

THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF LAFAYETTE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE 32.847± AC. PARCEL OF LAND AS DELINEATED ON THE RECORD OF SURVEY, FILED AUGUST 25, 1982, IN BOOK 71 OF LICENSED SURVEYORS MAPS, AT PAGE 7, SERIES NO. 82-95690, SAID COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID 32.847± AC. PARCEL (71 L.S.M. 7); THENCE, LEAVING SAID POINT OF BEGINNING, ALONG THE WESTERLY AND NORTHERLY LINES OF SAID PARCEL (71 L.S.M. 7), THE FOLLOWING COURSES; NORTH 00°49'36" EAST, 1106.01 FEET; NORTH 89°07'07" WEST; 246.86 FEET; NORTH 00°52'53" EAST, 609.80 FEET AND SOUTH 89°07'07" EAST, 330.28 FEET; THENCE, LEAVING SAID NORTHERLY LINE (71 L.S.M. 7), THE FOLLOWING COURSES; SOUTH 00°49'36" WEST, 890.10 FEET; SOUTH 19°21'11" WEST, 153.60 FEET; SOUTH 00°49'36" WEST, 364.22 FEET; SOUTH 89°10'24" EAST, 270.75 FEET; NORTH 04°44'00" EAST, 412.92 FEET; SOUTH 89°07'07" EAST, 26.78 FEET AND NORTH 00°52'53" EAST, 24.87 FEET TO THE SOUTHERLY LINE OF THE 5.185± AC. PARCEL ALSO SHOWN ON SAID RECORD OF SURVEY (71 L.S.M. 7); THENCE, ALONG SAID SOUTHERLY LINE (71 LSM 7) SOUTH 89°07'07" EAST, 379.03 FEET; THENCE, ALONG THE EASTERLY AND SOUTHERLY LINES OF SAID 32.847± AC. PARCEL (71 L.S.M. 7), SOUTH 11°50'53" WEST, 790.37 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF HAPPY VALLEY ROAD AS SHOWN ON SAID RECORD OF SURVEY (71 LSM 7), SAID NORTHERLY LINE ALSO BEING THE SOUTHERLY LINE OF SAID 32.847± AC. PARCEL (71 LSM 7); THENCE CONTINUING ALONG SAID SOUTHERLY LINE (71 L.S.M. 7) THE FOLLOWING COURSES; NORTH 85°04'49" WEST, 513.57 FEET AND SOUTH 81°08'00" WEST, 77.66 FEET TO SAID POINT OF BEGINNING.

SAID PARCEL CONTAINS 14.00 ACRES, MORE OR LESS.

BASIS OF BEARINGS FOR THIS DESCRIPTION TAKEN AS SHOWN ON SAID RECORD OF SURVEY (71 L.S.M. 7).

OPEN SPACE EASEMENT
LEGAL DESCRIPTION

EXHIBIT 'B'

OPEN SPACE EASEMENT 1:

THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF LAFAYETTE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE 32.847± AC. PARCEL OF LAND AS DELINEATED ON THE RECORD OF SURVEY, FILED AUGUST 25, 1982, IN BOOK 71 OF LICENSED SURVEYORS MAPS, AT PAGE 7, SERIES NO. 82-95690, SAID COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID 32.847± AC. PARCEL (71 L.S.M. 7), DISTANT THEREON SOUTH 89°07'07" EAST, 330.28 FEET FROM THE NORTHWESTERLY CORNER THEREOF; THENCE, LEAVING SAID POINT OF BEGINNING, ALONG THE NORTHERLY AND EASTERLY LINES OF SAID 32.847± AC. PARCEL (71 L.S.M. 7), THE FOLLOWING COURSES; SOUTH 89°07'07" EAST, 1153.40 FEET; SOUTH 05°04'17" EAST, 323.08 FEET AND SOUTH 50°16'53" WEST, 375.79 FEET TO THE NORTHERLY LINE OF THE 5.185 ± AC. PARCEL AS DELINEATED ON SAID RECORD OF SURVEY (71 L.S.M. 7); THENCE, ALONG SAID NORTHERLY LINE (71 L.S.M. 7), NORTH 89°07'07" WEST, 738.69 FEET; THENCE, CONTINUING ALONG THE EXTENSION OF SAID NORTHERLY LINE (71 L.S.M. 7), NORTH 89°07'07" WEST, 78.35 FEET; THENCE, ALONG THE FOLLOWING COURSES; SOUTH 00°49'36" WEST, 43.91 FEET; NORTH 89°07'07" WEST, 84.00 FEET; NORTH 00°49'36" EAST, 609.80 FEET TO SAID POINT OF BEGINNING.

SAID PARCEL CONTAINS 14.58 ACRES, MORE OR LESS.

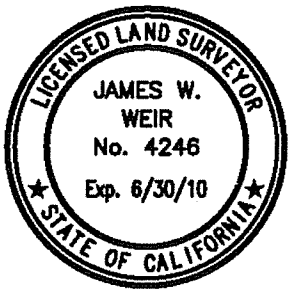
OPEN SPACE EASEMENT 2:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID 32.847± AC. PARCEL (71 L.S.M. 7); THENCE, LEAVING SAID POINT OF BEGINNING, ALONG THE NORTHERLY LINE OF SAID PARCEL (71 L.S.M. 7), SOUTH 89°07'07" EAST, 330.28 FEET; THENCE, LEAVING SAID NORTHERLY LINE (71 L.S.M. 7), THE FOLLOWING COURSES; SOUTH 00°49'36" WEST, 609.80 FEET; NORTH 89°07'07" WEST, 330.86 FEET TO THE WESTERLY LINE OF SAID PARCEL (71 L.S.M. 7); THENCE ALONG SAID WESTERLY LINE (71 L.S.M. 7), NORTH 00°52'53" EAST, 609.80 FEET TO SAID POINT OF BEGINNING.

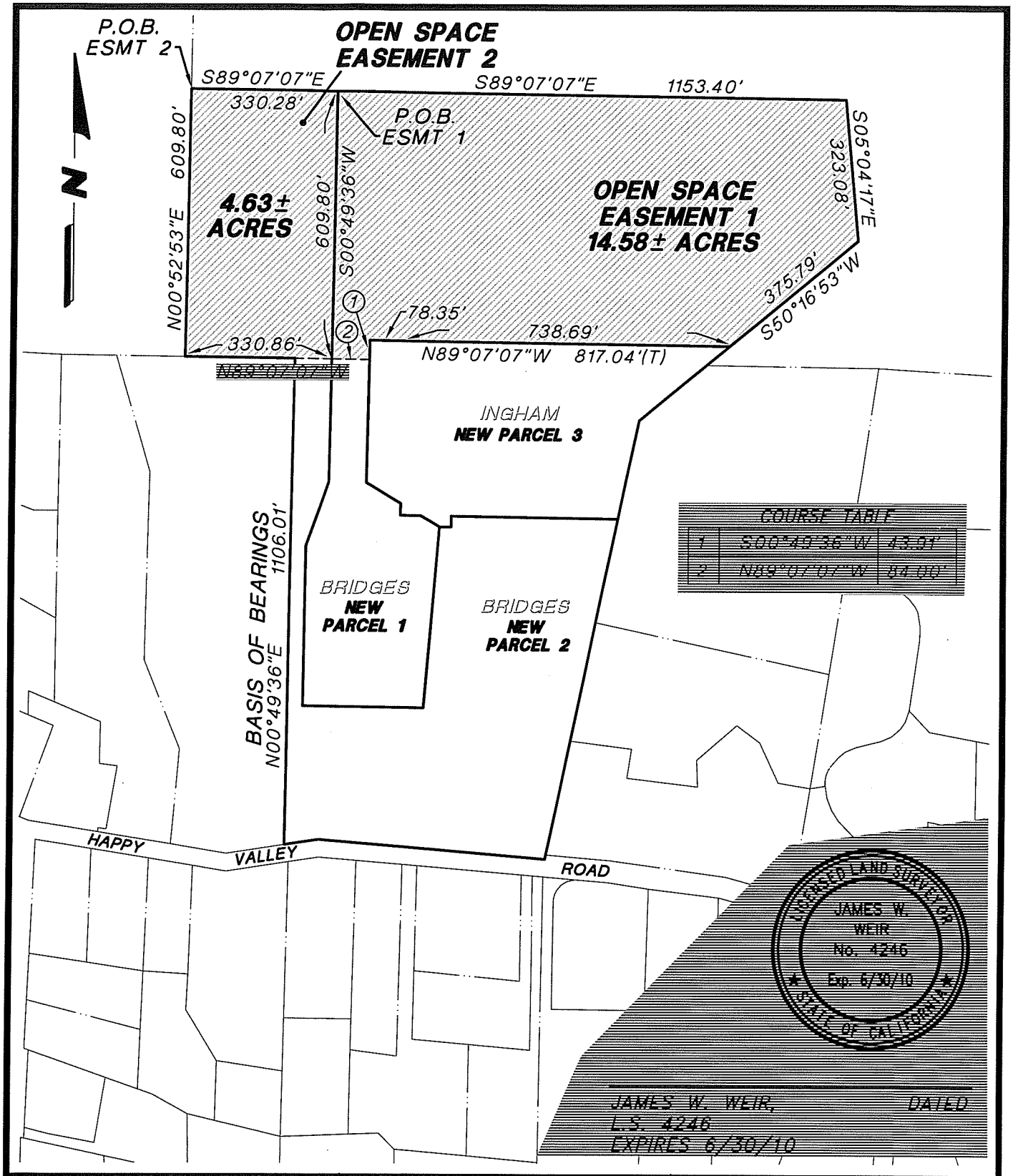
SAID PARCEL CONTAINS 4.63 ACRES, MORE OR LESS.

BASIS OF BEARINGS FOR THIS DESCRIPTION TAKEN AS SHOWN ON SAID RECORD OF SURVEY (71 L.S.M. 7).

ATTACHED HERETO IS A PLAT ENTITLED EXHIBIT 'C' AND BY THIS REFERENCE IS MADE PART HEREOF.



JAMES W. WEIR *DATED*
L.S. 4246 EXP. 6/30/10



SCALE: 1" = 300'	**EXHIBIT 'C'**	**Design Resources, Inc.**
BRIDGES / INGHAM	**OPEN SPACE EASEMENT BRIDGES TO CITY**	Planning ■ Engineering ■ Surveying
JOB NO. 07004-30		2700 Ygnacio Valley Road, Suite 100
DATE: DECEMBER 2, 2008		Walnut Creek, California 94598-3462 TEL (925) 210-9300

Certificate of Acceptance

City of Lafayette

This is to certify that the interest in real property conveyed by the deed or grant dated _____, 2008, from James R. Bridges, Successor Co-Trustee of the Robert L. Bridges 2001 Family Trust dated November 26, 2001, to the City of Lafayette, California, a municipal corporation, is hereby accepted by order of the City Council on _____, 2008, and the grantee consents to the recordation thereof by its duly authorized officer.

Date:_____, 2008

City of Lafayette
By: _____
Steven Falk
City Manager

City of Lafayette Staff Report

For: Planning Commission

By: Greg Wolff, Senior Planner

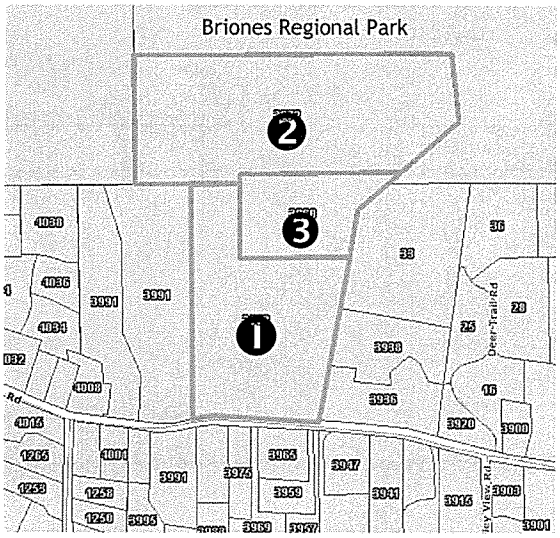
Date Written: November 12, 2008

Meeting Date: November 20, 2008

Project: Review of the offer of dedication of an open space easement in conjunction with: **LLR01-08 LINDA INGHAM / JAMES R. BRIDGES 2001 FAMILY TRUST (APPLICANT & OWNER), LR-5 & LR-10 ZONING**: Request for approval of a lot line adjustment pursuant to Chapter 6-24 of the Lafayette Municipal Code to reconfigure the property lines between three lots (two are developed, one is undeveloped) within the Hillside Overlay District located at 3960 & 3972 Happy Valley Road. APNs 246-040-002, 246-040-003 & 365-230-035.

PURPOSE

The Planning Commission approved the lot line revision described above on April 17, 2008 (PC Resolution 2008-13 attached). In conjunction with the lot line revision, the applicant offered and agreed to dedicate an open space easement to cover all of Parcel 2 as it was configured prior the lot line revision (shown at right). The applicant has submitted the deed, legal descriptions and plat maps necessary to record the easement. Pursuant to §51080 et. seq. of the Government Code, the Planning Commission must find make the findings listed in §51084 below and make a recommendation to the City Council to accept the open space easement.



↖ Upper Happy Valley Road

REQUIRED FINDINGS

§51084 Gov't Code. No grant of an open-space easement shall be accepted or approved by a county or city, unless the governing body, by resolution, finds:

(a) That the preservation of the land as open space is consistent with the general plan of the county or city; and
The preservation of Parcel 2 as open space is consistent with the General Plan, specifically those guiding principles, goals and policies outlined under the section titled "General Plan Consistency" below.

(b) That the preservation of the land as open space is in the best interest of the county or city and specifically because one or more of the following reasons exists:

(1) That the land is essentially unimproved and if retained in its natural state has either scenic value to the public, or is valuable as a watershed or as a wildlife preserve, and the instrument contains appropriate covenants to that end.
The preservation of Parcel 2 as open space is in the best interest of Lafayette, because it is adjacent to Briones Regional Park, is essentially undeveloped and has scenic and wildlife habitat value to the public. The approved lot line revision and movement of the building site from the steep slopes on the site to a flat area near Happy Valley Road allow for preservation of the site in its natural state, adding to the benefit provided by the adjacent Park District properties.

(2) It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located.
The proposed open space easement will help preserve the semi-rural character of Happy Valley, permitting development on the low lying, flatter valley floor and preserving the hillsides and ridgelines in their natural state, to the greatest extent feasible. Parcel 2 is particularly well situated for preservation to further the benefits provided by Briones Regional Park to the north.

(3) The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of this subdivision and Section 8 of Article XIII of the Constitution of the State of California.

GENERAL PLAN CONSISTENCY

The proposed open space easement is consistent with the following guiding principles, goals and policies contained in the City of Lafayette General Plan, and does not conflict with other goals and policies stated in the Plan.

Guiding Principles of the Lafayette General Plan

- ✓ Preserve and enhance the character of Lafayette as a semi-rural community.
- ▪ Create and maintain a strong sense of community in Lafayette.
- ✓ Protect the natural and scenic quality of our surrounding hillsides and ridgelines, creek areas, trees and other vegetation.
- ▪ Encourage the involvement of citizen volunteers in land use and policy planning.

Goal OS-1: Preserve areas of visual prominence and special ecological significance as Open Space.

Policy OS-1.3 Conserve a Variety of Open Space Features: Protect areas of special ecological significance, including ridges, hillsides, woodlands, wildlife corridors, riparian areas, steep slopes, prominent knolls, swales, and rock outcroppings.

Policy OS-1.5 Open Space for Wildlife Habitat: Preserve, protect, and where necessary, restore open space for wildlife habitat to assure the continued viability and health of diverse, natural animal and plant communities.

Policy OS-1.6 Continuous Open Spaces: Assemble open space areas from contiguous parcels to provide continuous scenic and wildlife corridors wherever feasible.

Goal OS-3 **Maintain the semi-rural character and beauty of the city by preserving its open and uncluttered natural topographic features.**

Policy OS-3.1 Protect natural features of the lands: The character and natural features of hills, steep slopes, riparian areas, woodlands

Policy OS-4.3 Woodlands: Preserve existing woodlands and their associated vegetation.

STAFF COMMENT

The City Attorney has reviewed the attached documents and they meet with her satisfaction. The terms "conservation and scenic easement" and "open space easement" can be used interchangeably for the purposes of the discussion and recorded easement.

RECOMMENDATION

(1) Adopt Planning Commission Resolution 2008-25 recommending to the City Council acceptance of the open space easement.

ATTACHMENTS

1. Planning Commission Resolution 2008-25 (recommending acceptance of the easement)
2. Conservation and Scenic Easement Deed
3. Planning Commission Resolution 2008-13 (approving the lot line revision)

Planning Commission Resolution 2008-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAFAYETTE RECOMMENDING TO THE CITY COUNCIL ACCEPTANCE OF AN OPEN SPACE EASEMENT OFFERED BY THE PROPERTY OWNER IN CONJUNCTION WITH: **LLR01-08 LINDA INGHAM / JAMES R. BRIDGES 2001 FAMILY TRUST (APPLICANT & OWNER), LR-5 & LR-10 ZONING**: Request for approval of a lot line adjustment pursuant to Chapter 6-24 of the Lafayette Municipal Code to reconfigure the property lines between three lots (two are developed, one is undeveloped) within the Hillside Overlay District located at 3960 & 3972 Happy Valley Road. APNs 246-040-002, 246-040-003 & 365-230-035.

RECITALS

A. On January 23, 2008, James Parson, PA Design Resources, filed an application for variance and lot line adjustment on behalf of property owners Linda Ingham & the JAMES R. BRIDGES 2001 FAMILY TRUST, to reconfigure the lot lines between three parcels located at 3960 & 3972 Happy Valley Road, Assessors Parcel Numbers 246-040-002, 246-040-003 & 365-230-035. The subject properties are within the LR-5 & LR-10 zoning districts.

B. On February 22, 2008 the application was deemed complete and scheduled for a public hearing before the Planning Commission on April 3, 2008. The April 3, 2008 Planning Commission meeting was cancelled and the matter was placed on the next Planning Commission agenda on April 17, 2008.

C. On April 17, 2008, the Planning Commission, following notification to the public in the prescribed manner, conducted a public hearing, where it received written and oral testimony including a staff report. The Planning Commission considered the applications for variance and lot line revision and the applicant's offer and agreement to dedicate an open space easement over the entirety of Parcel 2 as configured before the lot line adjustment. The Planning Commission approved the applications based on the required findings and subject to conditions of approval contained in Planning Commission Resolution 2008-13.

D. On November 20, 2008 the Planning Commission considered the matter of the open space easement, reviewing the requisite documents prepared and submitted by the applicant pursuant to §51080 et. seq. Gov't Code.

NOW, THEREFORE, the Planning Commission of the City of Lafayette, California finds and determines as follows:

I. The required findings pursuant to §51084 Gov't Code have been evaluated by the Planning Commission as follows:

(a) That the preservation of the land as open space is consistent with the general plan of the county or city; and
The preservation of Parcel 2 as open space is consistent with the General Plan, specifically those guiding principles, goals and policies outlined under the section titled "General Plan Consistency" below.

(b) That the preservation of the land as open space is in the best interest of the county or city and specifically because one or more of the following reasons exists:

(1) That the land is essentially unimproved and if retained in its natural state has either scenic value to the public, or is valuable as a watershed or as a wildlife preserve, and the instrument contains appropriate covenants to that end.
The preservation of Parcel 2 as open space is in the best interest of Lafayette,

because it is adjacent to Briones Regional Park, is essentially undeveloped and has scenic and wildlife habitat value to the public. The approved lot line revision and movement of the building site from the steep slopes on the site to a flat area near Happy Valley Road allow for preservation of the site in its natural state, adding to the benefit provided by the adjacent Park District properties.

(2) It is in the public interest that the land be retained as open space because such land either will add to the amenities of living in neighboring urbanized areas or will help preserve the rural character of the area in which the land is located. *The proposed open space easement will help preserve the semi-rural character of Happy Valley, permitting development on the low lying, flatter valley floor and preserving the hillsides and ridgelines in their natural state, to the greatest extent feasible. Parcel 2 is particularly well situated for preservation to further the benefits provided by Briones Regional Park to the north.*

(3) The public interest will otherwise be served in a manner recited in the resolution and consistent with the purposes of this subdivision and Section 8 of Article XIII of the Constitution of the State of California.

GENERAL PLAN CONSISTENCY

The proposed open space easement is consistent with the following guiding principles, goals and policies contained in the City of Lafayette General Plan, and does not conflict with other goals and policies stated in the Plan.

Guiding Principles of the Lafayette General Plan

- ✓ **Preserve and enhance the character of Lafayette as a semi-rural community.**
- ▪ **Create and maintain a strong sense of community in Lafayette.**
- ✓ **Protect the natural and scenic quality of our surrounding hillsides and ridgelines, creek areas, trees and other vegetation.**
- ▪ **Encourage the involvement of citizen volunteers in land use and policy planning.**

Goal OS-1: Preserve areas of visual prominence and special ecological significance as Open Space.

Policy OS-1.3 Conserve a Variety of Open Space Features: Protect areas of special ecological significance, including ridges, hillsides, woodlands, wildlife corridors, riparian areas, steep slopes, prominent knolls, swales, and rock outcroppings.

Policy OS-1.5 Open Space for Wildlife Habitat: Preserve, protect, and where necessary, restore open space for wildlife habitat to assure the continued viability and health of diverse, natural animal and plant communities.

Policy OS-1.6 Continuous Open Spaces: Assemble open space areas from contiguous parcels to provide continuous scenic and wildlife corridors wherever feasible.

Goal OS-3 Maintain the semi-rural character and beauty of the city by preserving its open and uncluttered natural topographic features.

Policy OS-3.1 Protect natural features of the lands: The character and natural features of hills, steep slopes, riparian areas, woodlands

Policy OS-4.3 Woodlands: Preserve existing woodlands and their associated vegetation.

II. Based on the above findings, the Planning Commission hereby recommends to the City Council acceptance of the offer of dedication for scenic easement as provided for in the "Conservation and Scenic Easement Deed" as amended by the Planning Commission.

III. This resolution becomes effective upon its adoption.

PASSED AND ADOPTED by the Planning Commission of the City of Lafayette at a meeting held on November 20, 2008 by the following vote:

AYES: Ateljevich, Chastain, Curtin-Tinley, Humann, Lovitt, Mitchell

NOES: None

ABSENT: Holt

ABSTAIN: None

ATTEST:

Niroop K. Srivatsa
Planning & Building Manager

Mark Mitchell
Planning Commission Chair

ATTACHMENTS
Conservation and Scenic Easement Deed

DRAFT
CONSIDERED BY
THE PLANNING
COMMISSION.

After Recordation, Return to:
Steven Falk, City Manager
3675 Mt. Diablo Blvd., Suite 210
Lafayette, CA 94549

Conservation and Scenic Easement Deed

THIS INDENTURE, made this ____ day of _____, 2008 between James R. Bridges, Successor Co-Trustee of the Robert L. Bridges 2001 Family Trust dated November 26, 2001, hereinafter referred to as "Grantor" and the City of Lafayette, (a Municipal Corporation) of the State of California, hereinafter referred to as "Grantee":

Recitals

1. The Grantors are the owners in fee of certain real property situated in the City of Lafayette, State of California, more particularly described in Exhibit 'A' and referred to as "the subject property";

2. The real property of the Grantors has certain natural and scenic beauty and existing openness;

3. The preservation of the land as open space is in the best interest of the City of Lafayette;

4. Both the Grantors and the Grantee desire to preserve and conserve ~~for the public enjoyment~~ the great natural scenic beauty and openness, natural condition and present state of use of the subject property of the Grantors; and

5. The Grantors, subject to the reservations hereinafter set forth, wish to grant to the City of Lafayette the scenic use of the subject property, and thereby protect the present scenic beauty and existing openness by the restricted use and enjoyment of the property by the Grantors;

NOW, THEREFORE, for and in consideration of the premises, the Grantors grant and convey to the City of Lafayette, a conservation and scenic easement of the nature and character and the extent hereinafter expressed, in that property described in Exhibit 'B' and shown on Exhibit 'C', attached hereto and made a part hereof by this reference. The easement, which results from the

restrictions imposed by this indenture upon the use of the property by Grantor shall constitute a servitude and to that end and for the purpose of accomplishing the intent of the parties, the Grantor does covenant on behalf of itself, its heirs, successors and assigns with the said Grantee, its successors and assigns to do and refrain from doing severally and collectively upon the subject property of the Grantor various acts hereafter mentioned. It is the intent of the parties that the restrictions imposed upon the subject property by this easement be deemed an enforceable restriction within the meaning of Article XXVIII of the Constitution of the State of California, as provided for in Chapter 6.6 of Part 1 of Division 1 of Title 5 of the Government Code of California, commencing with Section 51080.

FIRST: The Grantor, its successors and assigns shall refrain from doing any of the following acts upon the subject property:

a. Construct, place or maintain a building or structure on that property described in Exhibit 'B' and shown on Exhibit 'C'.

b. Do or cause to be done, any act which will materially change the general topography or the present form of that property described in Exhibit 'B' and shown on Exhibit 'C'.

c. Construct, place or maintain overhead pipes, conduits, or wires for the purpose of transmitting messages, heat, light or power on that property described in Exhibit 'B' and shown on Exhibit 'C'.

d. Locate any advertising of any kind or nature on or within that property described in Exhibit 'B' and shown on Exhibit 'C'.

e. Construct, place, or maintain dumps for the disposal of ashes, trash, rubbish, sawdust, garbage, offal or any unsightly and offensive materials on that property described in Exhibit 'B' and shown on Exhibit 'C'.

INSERT → LANDSCAPE VEGETATION

SECOND: If an action in eminent domain for condemnation of any interest in the subject property is filed, or when it is acquired in lieu of eminent domain for a public improvement by a public agency or person, these restrictions are null and void as to such interest in land actually being condemned is acquired.

THIRD: The grant of this easement is effective as of the date of its acceptance by the Grantee. It is effective in perpetuity.

FOURTH: The power of any federal, state or local agency or entity to acquire the subject property or portion thereof by eminent domain is not limited by this instrument. This instrument does not prohibit the installation of public service facilities installed for the benefit of the land and authorized by the Contra Costa County Supervisors or the Public Utilities Commission pursuant to federal, state, or local law or ordinance.

FIFTH: The open-space easement described herein may be abandoned in the manner provided in Sections 51093 and 51094 of the Government Code of the State of California.

SIXTH: This grant shall bind successors and assigns of the Grantor and shall constitute a servitude upon said subject property; and the reservations shall inure to the benefit of Grantor, its successors and assigns to the extent herein provided.

IN WITNESS WHEREOF, the Grantor has executed the Deed this day and year first hereinabove written.

_____

James R. Bridges, Successor
Co-Trustee of the
Robert L. Bridges 2001 Family Trust
dated November 26, 2001

STATE OF CALIFORNIA)
) ss.
COUNTY OF CONTRA COSTA)

On _____, 2008 before me, _____, Notary Public, personally appeared _____, personally known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

_____

Notary Public

Witness my hand and official seal.

_____

Notary Public

Certificate of Acceptance

City of Lafayette

This is to certify that the interest in real property conveyed by the deed or grant dated _____, 2008, from James R. Bridges, Successor Co-Trustee of the Robert L. Bridges 2001 Family Trust dated November 26, 2001, to the City of Lafayette, California, a municipal corporation, is hereby accepted by order of the City Council on _____, 2008, and the grantee consents to the recordation thereof by its duly authorized officer.

Date:_____, 2008

City of Lafayette
By: _____
Steven Falk
City Manager

Planning Commission Resolution 2008-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LAFAYETTE APPROVING: **V08-08 LINDA INGHAM / JAMES R. BRIDGES 2001 FAMILY TRUST (APPLICANT & OWNER), LR-10 ZONING**: Request for: (1) a variance from Section 6-7210 of the Lafayette Municipal Code to permit a 5-ft. side yard setback for an accessory building (pool equipment shed) and 34-ft. side yard setback for an accessory building (potting shed) where 50-ft. is required, and (2) a variance from Section 6-526 to permit a 10-ft. tall open wire fence where a maximum height of 6-ft. is permitted within the 50-ft. setback, to accommodate a lot line adjustment (LLR01-08) located at 3960 Happy Valley Road. APN 246-040-003.

LLR01-08 LINDA INGHAM / JAMES R. BRIDGES 2001 FAMILY TRUST (APPLICANT & OWNER), LR-5 & LR-10 ZONING: Request for approval of a lot line adjustment pursuant to Chapter 6-24 of the Lafayette Municipal Code to reconfigure the property lines between three lots (two are developed, one is undeveloped) within the Hillside Overlay District located at 3960 & 3972 Happy Valley Road. APNs 246-040-002, 246-040-003 & 365-230-035.

RECITALS

A. On January 23, 2008, James Parson, PA Design Resources, filed an application for variance and lot line adjustment on behalf of property owners Linda Ingham & the JAMES R. BRIDGES 2001 FAMILY TRUST, to reconfigure the lot lines between three parcels located at 3960 & 3972 Happy Valley Road, Assessors Parcel Numbers 246-040-002, 246-040-003 & 365-230-035. The subject properties are within the LR-5 & LR-10 zoning districts.

B. On February 22, 2008 the application was deemed complete and scheduled for a public hearing before the Planning Commission on April 3, 2008. The April 3, 2008 Planning Commission meeting was cancelled and the matter was placed on the next Planning Commission agenda on April 17, 2008.

C. On April 17, 2008, the Planning Commission, following notification to the public in the prescribed manner, conducted a public hearing, where it received written and oral testimony including a staff report. The Planning Commission considered the applications for variance and lot line revision and approved each based on the required findings and subject to conditions of approval contained herein.

NOW, THEREFORE, the Planning Commission of the City of Lafayette, California finds and determines as follows:

1. All the facts contained in the staff reports of April 17, 2008 are hereby adopted as the Commission's own findings of fact and incorporated into this resolution by reference.

2. The required findings for the requested variance per Sections 6-2408 of the Lafayette Municipal Code have been evaluated by the Planning Commission as follows:

   §6-214 Findings required for a variance

   A. Because of special circumstances concerning the subject property including size, shape, topography, location or surroundings, the strict application of the zoning regulations deprives the property of privileges enjoyed by other properties in the vicinity and in the same land use district; and

      The requested variances are each for existing accessory structures which will have less-than-50-foot setbacks from the property line/access easement if the proposed lot line

revision is approved. The substandard setbacks are internal to the site and will not affect surrounding property owners. The proposed lot line revision will provide for a preferable building site on the one vacant lot, both from the applicant's and the City's perspective, moving the site from a steep hillside near Briones Regional Park to a flat site near Happy Valley Road. The nearby properties immediately to the north of Happy Valley Road are all zoned R-40 with smaller setbacks. The LR-10 zone dips south all the way to Happy Valley Road only in this location. The existing accessory structures are consistent with the broader pattern of development along Happy Valley Road.

B. The variance will not constitute a grant of special privilege which is not generally available to other property in the vicinity and in the same land use district; and

Other properties in the LR-10 zoning district are permitted a single-family residence and appurtenant accessory structures. The subject structures and driveway are existing and the substandard setback is largely a result of the way the City measures setbacks – from property lines and access easements. Were setbacks taken only from property lines, the lot line revision could be modified to meet the required 50-ft. setback. The substandard setbacks are internal to the site and supported by both property owners. Grant of a reduced setback and open wire fence over 6-ft. in height within the 50-ft. setback is not a grant of a special privilege, provided the Planning Commission can support the request and make the required findings.

C. The variance substantially complies with the intent and purpose of the land use district in which the property is classified.

The existing properties substantially comply with the purpose and intent of the Rural Residential General Plan Land Use Designation and the Low Density Residential District 10 (LR-10) zoning district. The requested variances and proposed lot line revision will increase the level of compliance by relocating the building site for Parcel 2 from a steep hillside near Briones Regional Park to a flat site near Happy Valley Road.

3. The required findings for the requested lot line adjustment approval per Sections 6-2408 of the Lafayette Municipal Code have been evaluated by the Planning Commission as follows:

§6-2408 Findings for a Lot Line Adjustment

A. In the after-approved condition each parcel subject to Chapter 6-20, Hillside Regulations, has a building site the meets the requirements of 6-2047 upon which a dwelling unit could be built that meets the requirements of section 6-2048.

The existing development on Parcels 1 and 3 would not change. The developable part of Parcel 2 would move from a steep hillside site near Briones Regional Park to a flat site near Happy Valley Road, more in keeping with the purpose and intent of the Hillside Development Ordinance and the findings of Chapter 6-24. The density would not change between the existing lot line layout and the proposed revision; however the building site would be preferable from a hillside development standpoint.

B. Each affected parcel has adequate emergency vehicle access;

As proposed, the reconfigured lots will continue to have access from Happy Valley Road, a public road. Vehicular traffic and emergency access will be improved through consolidation of two existing driveway curb cuts into a single driveway curb cut serving all three parcels, along with installation of a Knox Box on the re-located electric gate, allowing access to emergency service vehicles and personnel.

C. In the after-approved condition, each affected parcel complies with the general plan and zoning and building ordinances. In the case of a lot line adjustment between parcels that are subject to Chapter 6-20 but are non-conforming as to the density limits, this finding may be waived; and

The general plan and zoning designations of the reconfigured parcels will remain the same, Rural Residential General Plan Land Use Designation and the Low Density Residential Districts 5 & 10 (LR-5 & LR-10). By grant of variance by the Planning Commission, the existing accessory structures (pool equipment shed and potting shed) meet the required setbacks and the10-ft. tall open wire tennis court fence is permitted within the 50-ft. setback. All other area and dimensional requirements of the zoning are met. No new structures are proposed at this time. When a new structure is proposed, compliance with the California Building Code will be required. .

D. In the after-approved condition, each affected parcel does not violate a condition of development previously imposed by the city on any portion of the parcel.

No previously imposed conditions of approval will be impacted by the proposed lot line revision.

3. Based on the above findings, the Planning Commission hereby approves the request for a lot line adjustment, subject to the following conditions of approval.

A. The following materials must be prepared prior to recording the certificate of compliance.

1. Completed Exhibit A – Legal Description, as directed in Lafayette *Lot Line Revision Instructions to Applicants*, page 3, dated March 2004. A licensed land surveyor or civil engineer must prepare the exhibit and legal description. Exhibit A shall include the legal description for the property (metes and bounds) as configured after the lot line adjustment.

2. Completed Exhibit B – Plat Map, as directed in Lafayette *Lot Line Revision Instructions to Applicants*, page 4, dated March 2004. Exhibit B shall be based on the map included within the staff report for the April 17, 2008 Planning Commission meeting.

B. The certificate of compliance shall be recorded within one year from the date of approval or the approval of LLR01-08 expires.

C. The executed certificate of compliance shall be recorded concurrently with the deed or deeds of conveyance necessary to consummate the transfer of the property approved by this lot line revision. The certificate of compliance does not constitute the actual transfer of property nor title thereto.

D. Prior to issuance of occupancy permits for residential improvements on new Parcel 2, the curb cut for the western driveway (on Parcel 2) shall be eliminated and the driveway access reconfigured to come off of the eastern driveway which currently serves Parcel 3 and is proposed to serve Parcels 1, 2, & 3.

E. Prior to issuance of any new permit for any of the three subject parcels, the Scenic Easement on existing Parcel 2 shall be extended to encompass the entirety of existing Parcel 2, which, after recordation of the Lot Line Revision, shall include the northern portions of Parcels 1 and 2.

F. Prior to final inspection for a new single-family residence on Parcel 2, the existing non-conforming caretaker's residence labeled "Existing Non-Conforming Structure (To Remain)" on Exhibit 4 – Proposed Lot Line, shall be demolished.

4. This resolution becomes effective upon its adoption.

PASSED AND ADOPTED by the Planning Commission of the City of Lafayette at a meeting held on April 17, 2008 by the following vote:

AYES: Ateljevich, Curtin-Tinley, Holt, Humann, Lovitt, Mitchell

NOES: None

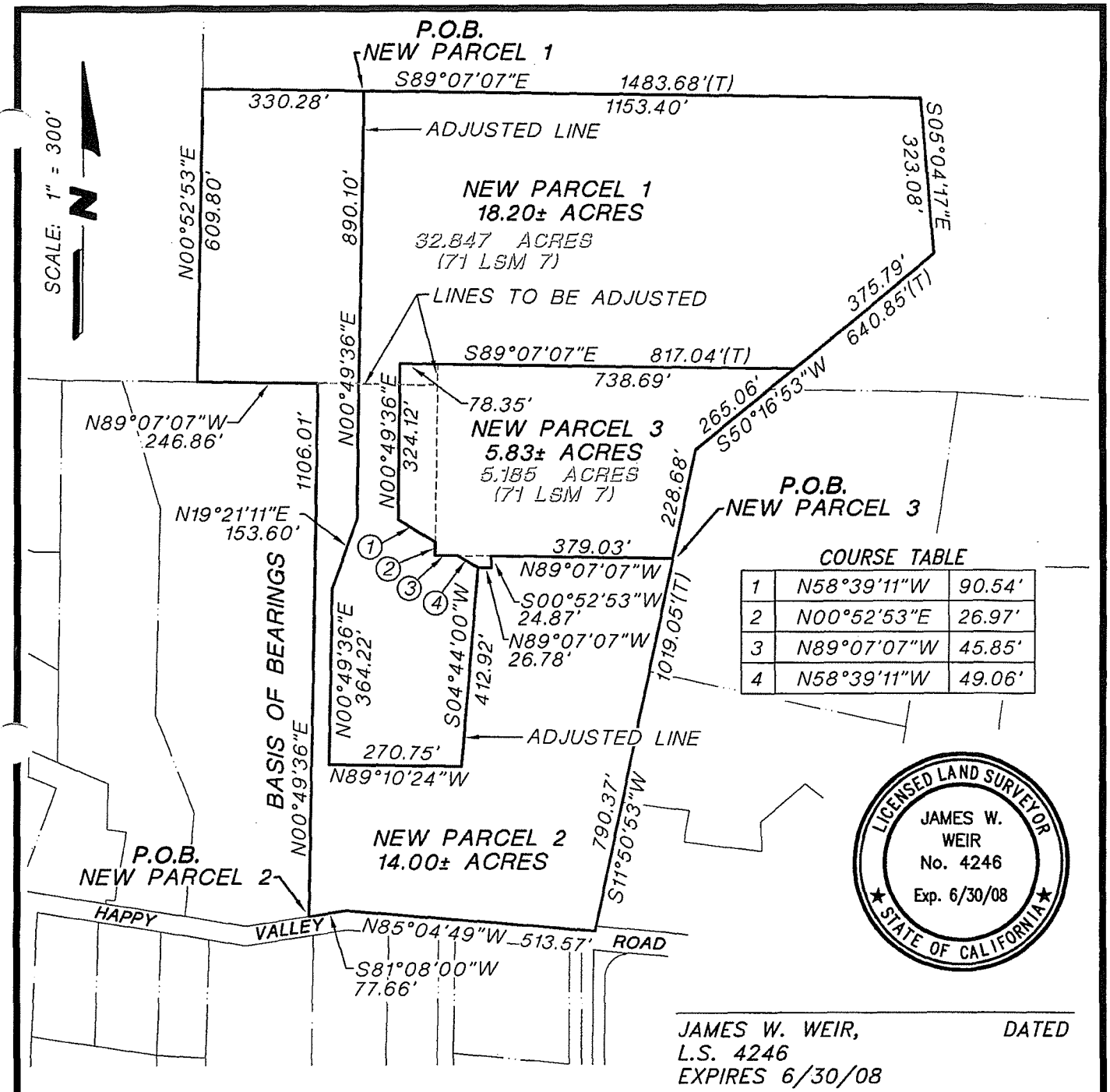
ABSENT: Chastain

ABSTAIN: None

ATTEST:

Niroop K. Srivatsa
Planning & Building Manager

Mark Mitchell
Planning Commission Chair



JAMES W. WEIR, L.S. 4246
EXPIRES 6/30/08 DATED

PARCEL	OWNER	ADDRESS	APN
NEW PARCEL 1	ROBERT L. BRIDGES 2001 FAMILY TRUST	3972 HAPPY VALLEY RD.	246-040-003
NEW PARCEL 2	ROBERT L. BRIDGES 2001 FAMILY TRUST	3972 HAPPY VALLEY RD.	365-230-035
NEW PARCEL 3	LINDA INGHAM	3960 HAPPY VALLEY RD.	246-040-002

APPROVED BY:

NIROOP SRIVATSA DATE 5/29/08
PLANNING MANAGER

TONY COE DATE 5/29/08
CITY ENGINEER

EXHIBIT 'B'

BRIDGES / INGHAM LOT LINE ADJUSTMENT

JANUARY 2008

P/A Design Resources, Inc.
Planning ■ Engineering ■ Surveying
2700 Ygnacio Valley Road, Suite 100
Walnut Creek, California 94598-3462 TEL (925) 210-9300